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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/817,025	04/02/2004	Joseph T. Donatti	IAC04662PUS	2782
25286 7590 07/18/2007 BROOKS KUSHMAN P.C. INTL. AUTOMOTIVE COMPONENTS GROUP 1000 TOWN CENTER TWENTY-SECOND FLOOR SOUTHFIELD, MI 48075			EXAMINER GANEY, STEVEN J	
			ART UNIT 3752	PAPER NUMBER
			MAIL DATE 07/18/2007	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

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Office Action Summary

Application No.

10/817,025

Applicant(s)

DONATTI ET AL.

Examiner

Steven J. Ganey

Art Unit

3752

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 24 April 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-18 is/are pending in the application.
- 4a) Of the above claim(s) 11-18 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-10 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>4/24/07, 8/15/05</u> | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Election/Restrictions

1. Claims 11-18, Group II, are withdrawn from further consideration pursuant to 37 CFR 1.142(b) as being drawn to a nonelected invention, there being no allowable generic or linking claim. Election was made **without** traverse in the reply filed on April 24, 2007.
2. Applicant's election without traverse of claims 1-10, Group I, in the reply filed on April 24, 2007 is acknowledged.

Claim Rejections - 35 USC § 112

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.
4. Claim 10 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In claim 10, the mixture of polyurethane is positively recited as being sprayed on a mold to form a polyurethane skin, this is indefinite since the preamble recites the subcombination of a spray tool apparatus, but in the body of the claim the combination with a mold is also positively recited. It is recommended that language such as --sprayable on a mold-- or --adapted to be sprayed on a mold-- be used.

Claim Rejections - 35 USC § 102

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

6. Claims 1,5-7 and 10 are rejected under 35 U.S.C. 102(b) as being clearly anticipated by Schneider et al '283.

Schneider et al '283 discloses all the featured elements of the instant invention, note specifically hydraulically operated valve/piston 7/10 with separate channels, see Figure 1.

With respect to applicant's statements of intended use, i.e. to spray the polyurethane on a mold to a form a polyurethane skin, the device of Schneider et al '283 is capable of performing applicant's intended use, therefore, the claim is fully anticipated.

7. Claims 1,3,4,6-8 and 10 are rejected under 35 U.S.C. 102(b) as being clearly anticipated by Schneider '732.

Schneider '732 discloses all the featured elements of the instant invention, note specifically hydraulically operated piston/valve 52/54, see Figure 1; mix head 10; reservoir 40; and nozzle 18.

With respect to applicant's statements of intended use, i.e. to spray the polyurethane on a mold to a form a polyurethane skin, the device of Schneider '732 is capable of performing applicant's intended use, therefore, the claim is fully anticipated.

Claim Rejections - 35 USC § 103

8. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

9. Claim 2 is rejected under 35 U.S.C. 103(a) as being unpatentable over Schneider '732 in view of Donatti et al.

Schneider '732 discloses all the featured elements of the instant invention except for the polyurethane constituents further including a pigmented polyol. Donatti et al discloses mixing a polyol, isocyanate and colored polyol to form a polyurethane skin. It would have been obvious to one having ordinary skill in the art at the time the invention was made to provide a pigmented polyol in the apparatus of Schneider '732, as taught by Donatti et al, since such a modification would be advantageous to provide a desired color in the polyurethane that is used to spray form the exterior of the article of manufacture.

10. Claim 9 is rejected under 35 U.S.C. 103(a) as being unpatentable over Schneider '732 in view of Swirlein.

Schneider '732 discloses all the featured elements of the instant invention except for the nozzle assembly having a static helical mixing vane. Swirlein discloses a polyurethane generating apparatus with a nozzle assembly 154 including a static helical mixing vane 162. It would have been obvious to one having ordinary skill in the art at the time the invention was made to provide a static helical mixing vane in the nozzle of Schneider '732, as taught by Swirlein, since such a modification would facilitate the mixing of the polyurethane constituents.

Conclusion

11. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Meyer discloses a polyurethane spraying apparatus with a colored polyurethane constituent. Vulpitta et al disclose polyurethane spraying apparatuses with static mixers. Boden et al discloses a polyurethane spraying apparatus.

12. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Steven J. Ganey whose telephone number is 571-272-4899. The examiner can normally be reached on 7:00-5:00; M, Tu, W and Th.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kevin Shaver can be reached on 571-272-4720. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

sjg
7/03/07


STEVEN J. GANEY
PRIMARY EXAMINER
7/3/07